

FILED

JUN - 1 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing



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9 Attorneys for Defendant:
10 BAE SYSTEMS SAN DIEGO SHIP REPAIR INC.
11 [formerly known as SOUTHWEST MARINE, INC.]

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA

EDL

15 WILLIAM MATTHIS, JR.,

16 Plaintiff,

17 v.

18 ASBESTOS DEFENDANTS (BOP),

19 Defendants.

C

No.

07

2866

BAE SYSTEMS SAN DIEGO SHIP
REPAIR INC.'S NOTICE OF TAG-
ALONG ACTION [MDL 875]


20 TO PLAINTIFF WILLIAM MATTHIS, JR., DEFENDANTS, AND HIS ATTORNEYS OF
21 RECORD:

22 PLEASE TAKE NOTICE that a Notice of Removal of this action was filed in the United
23 States District Court for the Northern District of California on June 1, 2007.

24 A copy of the Notice of Removal filed in the Northern District of California is attached to
25 this Notice and is served and filed herewith.

26 DATED: June 1, 2007

BUTY & CURLIANO LLP

By 

MADELINE L. BUTY

Attorneys for Defendant

BAE SYSTEMS SAN DIEGO SHIP REPAIR INC.

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NOTICE OF REMOVAL

MADELINE L. BUTY [SBN 157186]
 BUTY & CURLIANO LLP
 555 City Center
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 Oakland, CA 94607
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Attorneys for Defendant:
 BAE SYSTEMS SAN DIEGO SHIP REPAIR INC.
 [formerly known as SOUTHWEST MARINE, INC.]

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

WILLIAM MATTHIS, JR.,)	No.
)	
Plaintiff,)	
)	
v.)	BAE SYSTEMS SAN DIEGO SHIP
)	REPAIR INC.'S NOTICE OF
ASBESTOS DEFENDANTS (B&P),)	REMOVAL UNDER 28 U.S.C.
)	SECTION 1442(a)(1)
Defendants.)	

TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
 DISTRICT OF CALIFORNIA:

PLEASE TAKE NOTICE that defendant BAE SYSTEMS SAN DIEGO SHIP REPAIR
 INC., (formerly known as SOUTHWEST MARINE, INC., but hereinafter referred to as "BAE"),
 hereby petitions for removal of the above-entitled action from the Superior Court of the State of
 California, in and for the City and County of San Francisco, to this Court pursuant to 28 U.S.C.
 §§1442(a)(1) and 1446. This action is a civil action over which this Court has subject matter
 jurisdiction under 28 U.S.C. § 1331, as the action arises under the Constitution, laws, or treaties of
 the United States within the meaning of that statute by virtue of plaintiff's attempt to adjudicate
 claims with respect to persons acting under an officer of the United States pursuant to 28 U.S.C. §
 1442(a)(1). The grounds for removal are as follows:

1 1. On April 2, 2007, plaintiff filed a civil action in the Superior Court for the State of
2 California in and for the County of San Francisco entitled *William Matthis, Jr. v. Asbestos*
3 *Defendants (BOP)*, Case No. 274138 alleging personal injury - asbestos. BAE was personally
4 served with the Summons and Complaint and a Preliminary Fact Sheet on May 4, 2007. The
5 documents served on BAE are attached hereto as Exhibit A.

6 2. The Complaint does not identify the specific vessel or vessels on which plaintiff
7 worked which allegedly caused plaintiff to be exposed to asbestos. However, plaintiff's Complaint
8 states the exposure occurred at a BAE facility, (then known as Southwest Marine, Inc.) on an
9 unidentified Navy vessel which work allegedly involved asbestos or asbestos containing products
10 which allegedly caused and/or contributed to plaintiff's subsequent injury. The only ship on which
11 plaintiff claims to have worked during the relevant time was "one unknown Navy ship." As such,
12 the only claim of exposure as to BAE would relate to a Naval vessel.

13 3. According to plaintiff's interrogatory responses, plaintiff was employed by Owens-
14 Corning Fiberglas at Southwestern Marine in San Diego. While working at this site, he worked on
15 one unidentified Navy vessel installing insulation on pipes. A true and correct copy of plaintiff's
16 Response to Defendants' Standard Interrogatories, Set One, is attached hereto as Exhibit B. Work
17 performed on Naval and/or military vessels complied with all specifications and military
18 requirements, including NAVSEA and NAVSHIPS regulations.

19 4. 28 U.S.C. § 1446(b) provides that where the case stated by the original pleading is
20 not removable, a Notice of Removal must be filed within 30 days of receipt by the defendant of
21 "other paper from which it may first be ascertained that the cause is one which is or has become
22 removable." The elements of removability must be "specifically indicated" in the pleading or other
23 "official paper" before the 30-day period begins to run. *Riggs v. Continental Baking Co.* (N.D. Cal.
24 1988) 678 F.Supp. 236, 238. The allegations in the Complaint, along with plaintiff's Responses to
25 Standard Asbestos Case Interrogatories arguably put BAE on notice that plaintiff's action was
26 removable within the meaning of section 1446(b). BAE is, as required, filing this Notice of
27 Removal within thirty days after receipt of its first notice of the removability of the action.

28 5. Plaintiff's Complaint claims BAE is liable for plaintiff's alleged asbestos-related

1 injuries on theory of premises owner/contractor liability. The purported basis of the claim against
2 BAE is as a premises owner and for its alleged work on a Naval vessel on which plaintiff also
3 worked.

4 6. BAE is entitled to remove this matter under 28 U.S.C. § 1442(a)(1) because BAE
5 was acting under the direction of the United States Navy, United States military and/or federal
6 officers of the United States within the meaning of 28 U.S.C. § 1442(a)(1) in working onboard any
7 Navy vessel on which plaintiff claims exposure. *Mesa v. California* (1989) 489 U.S. 121, 103
8 L.Ed.2d 99, 109 S. Ct. 959; *Pack v. ACandS, Inc.* (D. Md. 1993) 838 F.Supp. 1099, 1101. Since
9 BAE performed work on a military vessel on which plaintiff worked, and such work was
10 responsible for his injuries, said work was performed pursuant to contracts and specifications
11 executed by an officer of the United States, including the United States Navy or under the direction
12 and control of officers of the United States.

13 7. On the Navy vessels, BAE's work was performed pursuant to mandatory
14 comprehensive and detailed specifications, plans and/or other drawings that were created,
15 approved, and accepted by the United States Military and/or the United States Navy. Therefore,
16 under the terms of its contract with the United States, BAE's work on these vessels was performed
17 under the authority and control of officers of the United States.

18 8. In *Fung v. Abex Corp.* (N.D. Cal 1993) 816 F. Supp. 569, the Court addressed the
19 propriety of the removal of a case involving plaintiff's alleged exposure to asbestos while aboard
20 submarines manufactured by General Dynamics. In denying plaintiff's Motion to Remand, the
21 Court stated that to satisfy removal under 28 U.S.C. § 1442(a), General Dynamics must show that it
22 "(1) acted under the direction of a federal officer, (2) raised a federal defense to plaintiff's claims,
23 and (3) demonstrated a causal nexus between plaintiff's claims and the acts it performed under
24 color of federal office." *Id.* at 571-72.

25 9. During all phases of BAE's work on a Navy vessel pursuant to United States
26 contracts and specifications, BAE performed its work under the control and supervision of officers
27 of the United States Military including, but not limited to, Maritime Commission and/or the United
28 States Navy. Moreover, BAE has asserted a federal defense to this action: immunity from liability

1 for injuries arising from any exposure to asbestos on the vessel, worked on by BAE and upon
 2 which plaintiff worked. See *Boyle v. United Technologies Corp.* (1988) 487 U.S. 500, 101 L.Ed.2d
 3 442, 108 S. Ct. 2510; *Niemann v. McDonnell Douglas Corp.* (S.D. Ill. 1989) 721 F.Supp. 1019.
 4 Since BAE has raised a proper claim of having acted under color of a federal officer or agency in
 5 its work on the vessel upon which plaintiff claims exposure, removal of this civil action pursuant
 6 to 28 U.S.C. § 1442(a)(1) is proper. See *Williams v. Brooks* (5th Cir. 1991) 945 F. 2d 1322, 1325
 7 fn.2.

8 10. Should plaintiff file a Motion to Remand this case, BAE respectfully requests an
 9 opportunity to respond more fully in writing, including the submission of affidavits and authorities.

10 11. BAE is not required to notify and obtain the consent of any other defendant in this
 11 action in order to remove plaintiff's action as a whole under 28 U.S.C. §1442(a)(1). *Ely Valley*
 12 *Mines, Inc. v. Hartford Accident & Indemnity Co.* (9th Cir. 1981) 644 F.2d 1310, 1315. The
 13 existence of a single removable claim allows removal of the entire action. *National Audubon*
 14 *Society v. Department of Water & Power of Los Angeles* (E.D.Cal. 1980) 496 F. Supp. 499, 509.

15 12. Notice of this removal has been filed with the State Court and provided to all
 16 adverse parties pursuant to 28 U.S.C. § 1446(d). A Notice of Tag-Along Action, identifying the
 17 coordinated pretrial proceedings in the Eastern District of Pennsylvania (In re Asbestos Products
 18 Liability Litigation, MDL Docket No. 875) to which this case may be transferred, will be filed with
 19 this Court.

20 WHEREFORE, BAE respectfully requests that this action be removed to this Court.

21 DATED: June 1, 2007

BUTY & CURLIANO LLP

22 By Madeline Buty

23 MADELINE L. BUTY

24 Attorneys for Defendant

25 BAE SYSTEMS SAN DIEGO SHIP REPAIR INC.

EXHIBIT A

DAVID R. DONADIO, ESQ., S.B. #154436
 ERIC C. SOLOMON, ESQ., S.B. #119131
 BRAYTON ♦ PURCELL LLP
 Attorneys at Law
 222 Rush Landing Road
 P.O. Box 6169
 Novato, California 94948-6169
 (415) 898-1555

**ENDORSED
 FILED**
 San Francisco County Superior Court

APR - 2 2007

GORDON PARK II, Clerk

BY: **PARAMNATT**
 Deputy Clerk

CASE MANAGEMENT CONFERENCE SET

Attorneys for Plaintiff

APR 17 2008 - 1:30 PM

DEPARTMENT 206

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

WILLIAM MATTHIS, JR.,

Plaintiff,

vs.

ASBESTOS DEFENDANTS (B ♦ P)
 As Reflected on Exhibits B, B-I, C, H,
 I; and DOES 1-8500; and SEE
 ATTACHED LIST.

ASBESTOS
 No.

CGC-07-274138

COMPLAINT FOR PERSONAL INJURY -
 ASBESTOS

1. Plaintiff WILLIAM MATTHIS, JR. was born October 30, 1955.

2. The ©Brayton ♦ Purcell Master Complaint for Personal Injury [and Loss of Consortium]- Asbestos (hereinafter "Master Complaint") was filed January 2, 2003, in San Francisco Superior Court. A copy of the Master Complaint and General Order No. 55 may be obtained upon request from Brayton ♦ Purcell, and designated portions of the Master Complaint are incorporated by reference herein pursuant to the authority conferred by General Order No. 55. Plaintiff's claims are as set forth in said Master Complaint against defendants herein as follows:

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///

///

**THIS CASE IS SUBJECT TO
 MANDATORY ELECTRONIC FILING
 PURSUANT TO AMENDED G.O. 158**

BRAYTON♦PURCELL LLP
ATTORNEYS AT LAW
222 RUSH LANDING ROAD
P.O. Box 6169
NOVATO, CALIFORNIA 94948-6169
(415) 898-1555

1 BUCYRUS INTERNATIONAL, INC.
2 BECHTEL CORPORATION (DE)
3 SEQUOIA VENTURES, INC.
4 CROWN CORK & SEAL COMPANY, INC.
5 THOMAS DEE ENGINEERING CO., INC.
6 GARLOCK SEALING TECHNOLOGIES, I.L.C.
7 GENERAL ELECTRIC COMPANY
8 OWENS-ILLINOIS, INC.
9 PARKER-HANNIFIN CORPORATION
10 PLANT INSULATION COMPANY
11 QUINTEC INDUSTRIES, INC.
12 RAPID-AMERICAN CORPORATION
13 THORPE INSULATION COMPANY
14 UNIROYAL HOLDING, INC.
15 VIACOM, INC.
16 WESTERN MacARTIUR COMPANY
17 MacARTIUR COMPANY
18 WESTERN ASBESTOS COMPANY
19 HONEYWELL INTERNATIONAL, INC.
20 DAIMLERCHRYSLER CORPORATION
21 FORD MOTOR COMPANY
22 GENERAL MOTORS CORPORATION
23 INTERNATIONAL TRUCK & ENGINE CORPORATION
24 MAZDA NORTH AMERICAN OPERATION
25 CSK AUTO, INC.
26 GOODLOE E. MOORE INC
27 HOOKER INDUSTRIES, INC.
28 NATIONAL STEEL AND SHIPBUILDING COMPANY
HOPEMAN BROTHERS, INC.
J.T. THORPE & SON, INC.
SOUTHWEST MARINE, INC.
CHEVRON PRODUCTS COMPANY
CHEVRON U.S.A., INC.
PACIFIC GAS & ELECTRIC COMPANY
SOUTHERN CALIFORNIA EDISON COMPANY
METROPOLITAN LIFE INSURANCE COMPANY
GATKE CORPORATION
AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS, INC.
UNDERWRITERS LABORATORIES, INC.
PNEUMO ABEX LLC
and DOES 1-8500,

Defendants.

William Matthis, Jr. vs. Asbestos Defendants (B♦P)
San Francisco Superior Court

DEFENDANTS* ON EXHIBITS:

<u>Cause of Action</u>	<u>B</u>	<u>B-1</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>K</u>	<u>L</u>	<u>M</u>
First (Negligence)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Second (Strict Liability)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	
Third (False Representation)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input type="checkbox"/>						
Fourth (Loss of Consortium)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fifth (Premises Owner/ Contractor Liability)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>										
Sixth, Seventh, Eighth (Unseaworthiness, Negligence [Jones Act], Maintenance and Cure)				<input type="checkbox"/>									
Ninth (Longshore and Harbor Workers Compensation Act [LHWCA])				<input type="checkbox"/>	<input type="checkbox"/>								
Tenth, Eleventh (F.E.L.A.)				<input type="checkbox"/>									
Twelfth, Thirteenth (Respiratory Safety Devices)					<input type="checkbox"/>		<input type="checkbox"/>						
Fourteenth, Fifteenth (Brake Shoe Grinding)						<input type="checkbox"/>		<input checked="" type="checkbox"/>					
Sixteenth (Concert of Action)									<input checked="" type="checkbox"/>				
Seventeenth, Eighteenth (Fraud, Deceit/Negligent Misrepresentation/Concealment)									<input checked="" type="checkbox"/>				
Nineteenth (Fraud/Deceit/ Intentional Misrepresentation)										<input type="checkbox"/>			
Twentieth (Fraud/Deceit - Kent)											<input type="checkbox"/>		

*and their alternate entities as set forth in the Master Complaint or on any Exhibit.

1 3. Plaintiff's asbestos-related injury, date of diagnosis, employment status, and
2 history of exposure to asbestos are as stated on Exhibit A.

3 4. Plaintiff's claims against defendant VIACOM, INC. (successor by merger to
4 CBS CORPORATION which is successor-in-interest to WESTINGHOUSE ELECTRIC
5 CORPORATION) exclude military and federal government jobsites.

6 Dated: 4/1/07

BRAYTON ♦ PURCELL LLP

7
8 By: 

9 David R. Donadio
Attorneys for Plaintiff
10
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EXHIBIT A

Plaintiff's exposure to asbestos and asbestos-containing products occurred at various locations both inside and outside the State of California, including but not limited to:

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Neighborhood Youth Corp. San Diego, CA	Naval Base 32 nd Street San Diego, CA	Mechanic (Helper)	6/1973-9/1973
US Army	Ford Ord Monterey, CA	Private	3/3/1974-4/1974 (6 weeks)
	US Army Fort Sill Lawton, OK	Private (E2)	4/1974-mid-May 1974 (6 weeks)
	US Army Fort Hood Army Base Killeen, TX	Artilleryman	mid-May 1974- 3/3/1977
National Steel & Shipbuilding	National Steel & Shipbuilding, San Diego, CA 2 unknown LSD naval ships	Welder	10/1977-3/1979
Thorpe Insulation	Naval Repair Facility 32 nd Street Annex San Diego, CA 1 unknown naval ship	Insulator	3/1979- 7/1979 (1 month)
	Thorpe Insulation Shop, Carson, CA		(3 months)
Thorpe Insulation	San Onofre Nuclear Power Plant (SCE), CA	Insulator	8/1979 (3 weeks)
Owens-Corning Fiberglas	National Steel & Shipbuilding, San Diego, CA 6-7 ships	Insulator	1979-1980; 1983; 1985 (on/off: about 4 years total)

ST. WORTH (MA-299)

EXXON VALDEZ (1986)

///

///

EXHIBIT A

EXHIBIT A (cont'd.)

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Owens-Corning Fiberglas	Naval Repair Facility North Island San Diego, CA 3-4 aircraft carriers	Insulator	1979-1985
	<u>RANGER (CVA-61)</u>		
	<u>KITTY HAWK (CVA-63)</u>		
	<u>CONSTELLATION (CVA-64)</u>		
Owens-Corning Fiberglas	Naval Repair Facility 32 nd Street Annex San Diego, CA 4 unknown navy ships	Insulator	1979-1985
Owens-Corning Fiberglas	Southwest Marine San Diego, CA 1 unknown navy ship	Insulator	1979-1985
Desco Insulation	San Onofre Nuclear Power Plant (SCE), CA	Insulator	approximately 1981-1983 (3-4 months)
Thorpe Insulation			(approximately 6 months)
Owens-Corning Fiberglas			(4 months)
AC & S Insulation or Metalclad	Unknown Power Plant Newport Beach, CA	Insulator	1981 or 1982
P.W. Stevens	US Post Office Los Angeles	Insulator	1983
AC & S or Metalclad	Los Angeles Department of Water and Power, Los Angeles, CA	Insulator	1984
Metalclad	San Onofre Nuclear Power Plant (SCE), CA	Insulator	mid-1980s
Bechtel	San Onofre Nuclear Power Plant (SCE), CA	Insulator	mid-1980s
Thorpe Insulation	PG & E Diablo Canyon Powerhouse CA	Insulator	mid-1980s
///			EXHIBIT A

EXHIBIT A (cont'd.)

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Thorpe Insulation	Chevron Refinery Wilmington, CA	Insulator	4/1985-6/1985
	Chevron Refinery Shop, Wilmington, CA		
Performance Contracting Inc.	National Steel & Shipbuilding, San Diego, CA	Insulator	1/1986-3/1986; 5/1986-12/1986

NON-OCCUPATIONAL EXPOSURE:FRICTION EXPOSURE:

1967 FORD GTO: Plaintiff purchased a used car in 1979 or 1980. During that same year, plaintiff replaced the original carburetor, original manifold, original header gaskets, and brakes. Plaintiff purchased a HOOKER HEADERS gasket kit. Plaintiff was assisted by cousin Henry Conwright, San Diego, California.

1981 MAZDA 626 Coupe: Plaintiff purchased this car new in 1981. Plaintiff replaced the original brakes and was assisted by cousin Henry Conwright, San Diego, California.

Plaintiff and his cousin, Henry Conwright, San Diego, California, purchased A.C. DELCO brakes for majority of the cars they worked on from KRAGEN, Euclid Avenue, San Diego, California; and AUTOZONE, Federal Boulevard, San Diego, California. Plaintiff currently contends that he was exposed to asbestos during these vehicle repairs.

Plaintiff's exposure to asbestos and asbestos-containing products caused severe and permanent injury to the plaintiff, including, but not limited to breathing difficulties, asbestosis, and/or other lung damage, and increased risk and fear of developing mesothelioma, lung cancer and various other cancers. Plaintiff was diagnosed with asbestosis on or about August 2006.

Plaintiff retired from his last place of employment as a result of becoming disabled due to both an illness and an injury not related to asbestos. He has therefore suffered no disability from his asbestos-related disease as "disability" is defined in California Code of Civil Procedure § 340.2.

EXHIBIT A

EXHIBIT BDEFENDANTS

BUCYRUS INTERNATIONAL, INC.	WESTERN MacARTHUR COMPANY
BECHTEL CORPORATION (DE)	MacARTHUR COMPANY
SEQUOIA VENTURES, INC.	WESTERN ASBESTOS COMPANY
CROWN CORK & SEAL COMPANY, INC.	HONEYWELL INTERNATIONAL, INC.
THOMAS DEE ENGINEERING CO., INC.	DAIMLERCHRYSLER CORPORATION
GARLOCK SEALING TECHNOLOGIES, LLC	FORD MOTOR COMPANY
GENERAL ELECTRIC COMPANY	GENERAL MOTORS CORPORATION
OWENS-ILLINOIS, INC.	INTERNATIONAL TRUCK & ENGINE
PARKER-HANNIFIN CORPORATION	CORPORATION
PLANT INSULATION COMPANY	MAZDA NORTH AMERICAN OPERATION
QUINTEC INDUSTRIES, INC.	CSK AUTO, INC.
RAPID-AMERICAN CORPORATION	GOODLOE E. MOORE INC
THORPE INSULATION COMPANY	HOOKER INDUSTRIES, INC.
UNIROYAL HOLDING, INC.	DOES 1-800
VIACOM, INC.	

ALTERNATE ENTITY

BUCYRUS INTERNATIONAL, INC.	BUCYRUS-ERIE
	MARION POWER SHOVEL COMPANY, THE
	OSGOOD COMPANY
	GENERAL EXCAVATOR COMPANY
CROWN CORK & SEAL COMPANY, INC.	MUNDET CORK COMPANY
GARLOCK SEALING TECHNOLOGIES, LLC	GARLOCK, INC.
	COLTEC INDUSTRIES, INC.
	FAIRBANKS-MORSE
	FAIRBANKS MORSE ENGINES
	BELMONT PACKING & RUBBER CO.
	GARLOCK PACKING CO.
	U.S. GASKET CO.
	GOODRICH CORPORATION
	ENPRO INDUSTRIES, INC.
GENERAL ELECTRIC COMPANY	MATTEN X-RAY
	HOTPOINT ELECTRIC APPLIANCE COMPANY LIMITED
	TRUMBULL ELECTRIC MANUFACTURING COMPANY
	G E INDUSTRIAL SYSTEMS
	CURTIS TURBINES
	PARSONS TURBINES
	GENERAL ELECTRIC JET ENGINES
SEQUOIA VENTURES, INC.	BECHTEL CORPORATION (DE)
UNIROYAL HOLDING, INC.	UNIROYAL, INC.

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EXHIBIT B

1		<u>EXHIBIT B (cont'd.)</u>
2		<u>ALTERNATE ENTITY</u>
3	VIACOM, INC.	CBS CORPORATION WESTINGHOUSE ELECTRIC CORPORATION WESTINGHOUSE ELECTRIC AND MANUFACTURING COMPANY B.F. STURTEVANT KPIX TELEVISION STATION PARAMOUNT COMMUNICATIONS, INC.
7	HONEYWELL INTERNATIONAL, INC.	HONEYWELL, INC. HONEYWELL CONTROLS ALLIEDSIGNAL, INC. ALLIED-SIGNAL, INC. THE BENDIX CORPORATION BENDIX PRODUCTS AUTOMOTIVE DIVISION BENDIX PRODUCTS DIVISION, BENDIX AVIATION CORP. BENDIX HOME SYSTEMS ALLIED CORPORATION ALLIED CHEMICAL CORPORATION GENERAL CHEMICAL CORPORATION FRAM FRICTION MATERIALS OF LOS ANGELES NORTH AMERICAN REFRACTORIES COMPANY EM SECTOR HOLDINGS INC. UNIVERSAL OIL PRODUCTS COMPANY BOYLSTON CORPORATION EHRHART & ASSOCIATES, INC. EHRHART & ARTHUR, INC. GARRETT AIR RESEARCH CORP. STANLEY G. FLAGG & CO. MERGENTHALER LINOTYPE COMPANY ELTRA CORPORATION BUNKER RAMO-ELTRA CORPORATION
19	GENERAL MOTORS CORPORATION	NEW DEPARTURE CHEVROLET A.C. DELCO CO. BUICK AUTOMOTIVE CORPORATION CADILLAC PONTIAC LaSALLE OLDSMOBILE GM GOODWRENCH ROCHESTER PRODUCTS DIVISION EUCLID ROAD MACHINERY CO. FRIDGIDAIRE (for exposure pre 4/9/1979)
26	GOODLOE E. MOORE INC	GEMCO INSULATION
27	HOOKE INDUSTRIES, INC.	HOOKE HEADERS, INC.
28	///	EXHIBIT B

EXHIBIT B (cont'd.)

ALTERNATE ENTITY

FORD MOTOR COMPANY

BRITISH LEYLAND MOTORS, INC.
BRITISH MOTOR CORPORATION
JAGUAR CARS, INC.
TRIUMPH
LINCOLN CONTINENTAL
AUSTIN HEALEY

CSK AUTO, INC.

KRAGEN AUTO SUPPLY CO.
NORTHERN AUTOMOTIVE CORPORATION
CHECKER AUTO PARTS, INC.
TBDPC CORPORATION
PACCAR AUTOMOTIVE, INC.
GRAND AUTO, INC.
AL'S AND GRAND AUTO SUPPLY, INC.
SCHUCK'S AUTO SUPPLY
TOPPS AUTOMOTIVE
TRAK AUTO PARTS

EXHIBIT B-1

DEFENDANTS

NATIONAL STEEL AND SHIPBUILDING COMPANY
HOPEMAN BROTHERS, INC.
J.T. THORPE & SON, INC.
THOMAS DEE ENGINEERING CO., INC.
DOES 1-800; DOES 1001-2000

ALTERNATE ENTITY

J.T. THORPE & SON, INC.

THE THORPE COMPANY
THORPE PRODUCTS CO.
J.T. THORPE NORTHWEST

EXHIBITS B, B-1

EXHIBIT CDEFENDANTS

SOUTHWEST MARINE, INC.	HOPEMAN BROTHERS, INC.
CHEVRON PRODUCTS COMPANY	J.T. THORPE & SON, INC.
CHEVRON U.S.A., INC.	THOMAS DEE ENGINEERING CO., INC.
PACIFIC GAS & ELECTRIC COMPANY	PLANT INSULATION COMPANY
SOUTHERN CALIFORNIA EDISON COMPANY	THORPE INSULATION COMPANY
NATIONAL STEEL AND SHIPBUILDING	WESTERN MacARTHUR COMPANY
COMPANY	MacARTHUR COMPANY
BECHTEL CORPORATION (DE)	WESTERN ASBESTOS COMPANY
SEQUOIA VENTURES, INC.	DOES 1001-2000

ALTERNATE ENTITY

CHEVRON PRODUCTS COMPANY	CHEVRON U.S.A. PRODUCTS COMPANY
	CHEVRON CORPORATION PRODUCTS COMPANY
	CHEVRON CORPORATION
	CHEVRON OIL REFINERY
	CHEVRON CHEMICAL COMPANY
	WILSHIRE OIL
	STANDARD OIL COMPANY OF CALIFORNIA
	STANDARD OIL COMPANY OF CALIFORNIA,
	WESTERN OPERATIONS, INC.
	GULF OIL COMPANY
	GULF OIL OF CALIFORNIA
	GULF OIL CORPORATION
	GULF OIL PRODUCTS COMPANY
	CHEVRON RESEARCH AND
	TECHNOLOGY
	PACIFIC OIL REFINING
	PACIFIC REFINING CO.
	SEQUOIA REFINING CORP.
	CHEVRON U.S.A., INC.
	CHEVRON U.S.A. PRODUCTS, INC.
SOUTHERN CALIFORNIA EDISON	EDISON INTERNATIONAL
COMPANY	REDONDO BEACH POWERHOUSE
	ALAMITOS POWERHOUSE
	HUNTINGTON BEACH POWERHOUSE
	ETIWANDA POWERHOUSE

PREMISES OWNER
DEFENDANTSLOCATIONTIME PERIOD

SOUTHWEST MARINE, INC.	Southwest Marine, San Diego, CA	1979-1985
CHEVRON PRODUCTS COMPANY/CHEVRON U.S.A., INC.	Chevron Refinery, Wilmington, CA; Chevron Refinery, Shop, Wilmington, CA	4/1985-6/1985

///

EXHIBIT C

EXHIBIT C (cont'd.)PREMISES OWNER
DEFENDANTSLOCATIONTIME PERIOD

PACIFIC GAS & ELECTRIC COMPANY

PG&E, Diablo Canyon
Powerhouse, CA

Mid 1980s

SOUTHERN CALIFORNIA EDISON
COMPANYSan Onofre Nuclear Power Plant
(SCE), CA8/1979 (3 wks);
Approx 1981-1983
(3-4 mos); Mid
1980sCONTRACTOR
DEFENDANTSLOCATIONTIME PERIODNATIONAL STEEL AND SHIPBUILDING
COMPANYNational Steel Shipbuilding,
San Diego, CA
ST. WORTH (MA-299)
EXXON VALDEZ (1986)1979-1980; 1983;
1985 (on/off about 4
yrs total)BECITEL CORPORATION
(DE)/SEQUOIA VENTURES, INC.KITTY HAWK (CVA-63);
RANGER (CVA-61);
CONSTELLATION (CVA-64)

1979-1985

San Onofre Nuclear Power Plant
(SCE), CA8/1979 (3 wks);
Approx. 1981-1983
(3-4 mos); Mid
1980sPG&E, Diablo Canyon
Powerhouse, CA

Mid 1980s

HOPEMAN BROTHERS, INC.

Various

Various

J.T. THORPE & SON, INC.

Various

Various

THOMAS DEE ENGINEERING CO., INC.

Various

Various

PLANT INSULATION COMPANY

Various

Various

THORPE INSULATION COMPANY

Various

Various

WESTERN MacARTHUR
COMPANY/MacARTHUR
COMPANY/WESTERN ASBESTOS
COMPANY

Various

Various

EXHIBIT C

EXHIBIT IIDEFENDANTS

METROPOLITAN LIFE INSURANCE COMPANY	STUART-WESTERN, INC.
PNEUMO ABEX LLC	RITESET MANUFACTURING COMPANY
BORGWARNER MORSE TEC, INC.	ASBESTOS MANUFACTURING COMPANY
HONEYWELL INTERNATIONAL, INC. (successor-in-	FIBRE & METAL PRODUCTS COMPANY
interest to ALLIEDSIGNAL, INC.)	LASCO BRAKE PRODUCTS
THE BUDD COMPANY	L.J. MILEY COMPANY
DAIMLERCHRYSLER CORPORATION	ROSSENDALE-RUBOIL COMPANY
DANA CORPORATION	SOUTHERN FRICTION MATERIALS COMPANY
FORD MOTOR COMPANY	U.S. SPRING & BUMPER COMPANY
GENERAL MOTORS CORPORATION	AUTO FRICTION CORPORATION
BRIDGESTONE/FIRESTONE	EMSCO ASBESTOS COMPANY
NORTH AMERICAN TIRE, LLC	FORCEE MANUFACTURING CORPORATION
LEAR SIEGLER DIVERSIFIED HOLDINGS CORP.	MOLDED INDUSTRIAL FRICTION CORPORATION
MAREMONT CORPORATION	NATIONAL TRANSPORT SUPPLY, INC.
MORTON INTERNATIONAL, INC.	SILVER LINE PRODUCTS, INC.
PARKER-HANNIFIN CORPORATION	STANDCO, INC.
STANDARD MOTOR PRODUCTS, INC.	UNIVERSAL FRICTION MATERIALS COMPANY
GATKE CORPORATION	WHEELING BRAKE BLOCK MANUFACTURING
GARLOCK SEALING TECHNOLOGIES, LLC	COMPANY
BRASSBESTOS BRAKE LINING COMPANY	OWENS-ILLINOIS, INC.
H. KRASNE MANUFACTURING COMPANY	BELL ASBESTOS MINES LTD.
AUTO SPECIALTIES MANUFACTURING COMPANY	DOES5000-8000

EXHIBIT IDEFENDANTS

METROPOLITAN LIFE INSURANCE COMPANY
 OWENS-ILLINOIS, INC.
 PNEUMO ABEX LLC
 GATKE CORPORATION
 GARLOCK SEALING TECHNOLOGIES, LLC
 AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS, INC.
 UNDERWRITERS LABORATORIES, INC.
 DOES5000-7500

EXHIBITS II, I

DAVID R. DONADIO, ESQ., S.B. #154436
 BRAYTON ♦ PURCELL LLP
 Attorneys at Law
 222 Rush Landing Road
 P.O. Box 6169
 Novato, California 94948-6169
 (415) 898-1555
 Attorneys for Plaintiff

**ENDORSED
 FILED**
 San Francisco County Superior Court

APR - 2 2007
 GORDON PARK-LI, Clerk
 BY: PARAMNATT
 Deputy Clerk

**SUPERIOR COURT OF CALIFORNIA
 COUNTY OF SAN FRANCISCO**

WILLIAM MATTHIS, JR.,
 Plaintiff,

vs.

ASBESTOS DEFENDANTS (B ♦ P)

ASBESTOS
 No.

CGC-07-274138

**PRELIMINARY FACT SHEET/NEW
 FILING/ASBESTOS LITIGATION**

(See General Order No. 129, In Re:
Complex Asbestos Litigation)

NOTICE

TO NEW DEFENDANTS SERVED IN COMPLEX ASBESTOS LITIGATION IN THE
 SUPERIOR COURT IN AND FOR THE STATE OF CALIFORNIA, CITY AND COUNTY OF
 SAN FRANCISCO

You have been served with process in an action which has been designated by the Court
 as complex litigation pursuant to Standard 19 of the Standards of Judicial Administration. This
 litigation bears the caption "In Re: Complex Asbestos Litigation", [San Francisco Superior
 Court No. 828684].

This litigation is governed by various general orders, some of which affect the judicial
 management and/or discovery obligations, including the responsibility to answer interrogatories
 deemed propounded in the case. You may contact the Court or Designated Defense Counsel,
 Berry & Berry, P.O. Box 16070, 2930 Lakeshore Avenue, Oakland, CA 94610; Telephone:
 (510) 835-8330; FAX: (510) 835-5117, for further information and/or copies of these orders, at
 your expense.

1. State the complete name and address of each person whose claimed exposure to asbestos is
 the basis of this lawsuit ("exposed person"): William Matthis, Jr., 1275 W. Oakland Avenue #D,
Hemet, California 92543.

1 2. Does plaintiff anticipate filing a motion for a preferential trial date within the next four
 2 months? Yes X No

3 [If yes, the action will be governed by General Order No. 140; if no, the action will be governed
 4 by General Order No. 129.]

5 3. Date of birth of each exposed person in item one and, if applicable, date of death:

6 Date of Birth: 10/30/55

7 Date of Death: N/A

8 Social Security Number of each exposed person:

9 565-92-3558

10 4. Specify the nature or type of asbestos-related disease alleged by each exposed person.

11 X Asbestosis Mesothelioma

12 Pleural Thickening/Plaques Other Cancer: Specify:

13 Lung Cancer Other Than Mesothelioma Other: Specify:

14 5. For purposes of identifying the nature of exposure allegations involved in this action, please
 15 check one or more:

16 X Shipyard Construction X Friction-Automotive

17 X Premises Aerospace X Military

18 X Other: Specify all that apply: Industrial/Refinery

19 If applicable, indicate which exposure allegations apply to which exposed person.

20 6. Identify each location alleged to be a source of an asbestos exposure, and to the extent known,
 21 provide the beginning and ending year(s) of each such exposure. Also specify each exposed
 22 person's employer and job title or job description during each period of exposure. (For example:
 23 "San Francisco Naval Shipyard - Pipefitter - 1939-1948"). Examples of locations of exposure
 24 might be a specific shipyard, a specific railroad maintenance yard, or perhaps more generalized
 25 descriptions such as "merchant marine" or "construction". If an exposed person claims exposure
 26 during only a portion of a year, the answer should indicate that year as the beginning and ending
 27 year (e.g., 1947-1947).

28 ///

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Neighborhood Youth Corp. San Diego, CA	Naval Base 32 nd Street San Diego, CA	Mechanic (Helper)	6/1973-9/1973
US Army	Ford Ord Monterey, CA	Private	3/3/1974-4/1974 (6 weeks)
	US Army Fort Sill Lawton, OK	Private (E2)	4/1974-mid-May 1974 (6 weeks)
	US Army Fort Hood Army Base Killeen, TX	Artilleryman	mid-May 1974- 3/3/1977
National Steel & Shipbuilding	National Steel & Shipbuilding, San Diego, CA 2 unknown LSD naval ships	Welder	10/1977-3/1979
Thorpe Insulation	Naval Repair Facility 32 nd Street Annex San Diego, CA 1 unknown naval ship	Insulator	3/1979- 7/1979 (1 month)
	Thorpe Insulation Shop, Carson, CA		(3 months)

(Attach Additional Pages, If Necessary) SEE ATTACHED CONTINUATION

7. For each exposed person who:

a. worked in the United States or for a U.S. agency outside the territorial United States, attach to the copy of this fact sheet provided to Designated Defense Counsel a fully executed Social Security Earnings authorization (Exhibit N-4 to General Order No. 129);

b. may have had a Social Security disability award or is no longer employed and whose last employment was not with a United States government agency, attach to the copy of this fact sheet provided to Designated Defense Counsel a fully executed Social Security Disability authorization (Exhibit N-5 to General Order No. 129);

c. served at any time in the United States military, attach to the copy of this fact sheet provided to Designated Defense Counsel two fully executed originals of the stipulation (Exhibit N-3 to General Order No. 129);

1 d. was employed by the United States government in a civilian capacity, attach to the
2 copy of this fact sheet provided to Designated Defense Counsel two fully executed originals of
3 the stipulation (Exhibit N-3 to General Order No. 129).

4 8. If there is a wrongful death claim, attach to the copy of this fact sheet provided to Designated
5 Defense Counsel a copy of the death certificate, if available. If an autopsy report was done, also
6 attach a copy of it to the copy of this fact sheet provided to Designated Defense Counsel.

7 9. State the date of the filing of the initial complaint in this matter:

8 April 2, 2007

9
10 By:


Attorney for Plaintiff

		<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
	1	San Onofre Nuclear Power Plant (SCE), CA	Insulator	8/1979 (3 weeks)
	2	National Steel & Shipbuilding, San Diego, CA	Insulator	1979-1980; 1983; 1985 (on/off: about 4 years total)
	3	6-7 ships		
	4	ST. WORTH (MA-299)		
	5	EXXON VALDEZ (1986)		
		Naval Repair Facility North Island San Diego, CA	Insulator	1979-1985
		3-4 aircraft carriers		
		RANGER (CVA-61)		
		KITTY HAWK (CVA-63)		
		CONSTELLATION (CVA-64)		
14				
15	Owens-Corning Fiberglas	Naval Repair Facility 32 nd Street Annex San Diego, CA	Insulator	1979-1985
16		4 unknown navy ships		
17	Owens-Corning Fiberglas	Southwest Marine San Diego, CA	Insulator	1979-1985
18		1 unknown navy ship		
19	Desco Insulation	San Onofre Nuclear Power Plant (SCE), CA	Insulator	approximately 1981-1983 (3-4 months)
20				
21	Thorpe Insulation			(approximate months)
22				
23	Owens-Corning Fiberglas			(4 months)
24	AC & S Insulation or Metalclad	Unknown Power Plant Newport Beach, CA	Insulator	1981 or 1982
25	P.W. Stevens	US Post Office Los Angeles	Insulator	1983
26				
27	AC & S or Metalclad	Los Angeles Department of Water and Power, Los Angeles, CA	Insulator	1984
28				

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
1 Metalclad	San Onofre Nuclear Power Plant (SCE), CA	Insulator	mid-1980s
2 Metalclad	San Onofre Nuclear Power Plant (SCE), CA	Insulator	mid-1980s
3 Bechtel	PG & E Diablo Canyon Powerhouse CA	Insulator	mid-1980s
4 The	Chevron Refinery Wilmington, CA	Insulator	4/1985-6/1985
5 The	Chevron Refinery Shop, Wilmington, CA		
6	Contracting Inc. National Steel & Shipbuilding, San Diego, CA	Insulator	1/1986-3/1986; 5/1986-12/1986

JPATIONAL EXPOSURE:EXPOSURE:

RD GTO: Plaintiff purchased a used car in 1979 or 1980. During that same year, replaced the original carburetor, original manifold, original header gaskets, and brakes. Plaintiff purchased a HOOKER HEADERS gasket kit. Plaintiff was assisted by cousin Henry Conwright, San Diego, California.

- 17 1981 MAZDA 626 Coupe: Plaintiff purchased this car new in 1981. Plaintiff replaced the original brakes and was assisted by cousin Henry Conwright, San Diego, California.
- 18 Plaintiff and his cousin, Henry Conwright, San Diego, California, purchased A.C. DELCO
- 19 brakes for majority of the cars they worked on from KRAGEN, Euclid Avenue, San Diego, California; and AUTOZONE, Federal Boulevard, San Diego, California. Plaintiff currently
- 20 contends that he was exposed to asbestos during these vehicle repairs.

- DO NOT FILE WITH THE COURT -
 - UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): DAVID R. DONADIO, ESQ. (Bar # 154436) BRAYTON♦PURCELL LLP 222 Rush Landing Road Novato, California 94948-6169 ATTORNEY FOR (name): Plaintiff(s)	TELEPHONE NO. (415) 898-1555 FAX NO. (415) 898-1247
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco 94102 BRANCH NAME:	
PLAINTIFF: WILLIAM MATTHIS, JR. DEFENDANT: ASBESTOS DEFENDANTS (B♦P)	
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)	
CASE NUMBER: 274138	

To (name of one defendant only): **SOUTHWEST MARINE, INC.**

Plaintiff (name of one plaintiff only): **WILLIAM MATTHIS, JR.**
 seeks damages in the above-entitled action, as follows:

1. General damages

	AMOUNT
a. <input checked="" type="checkbox"/> Pain, suffering, and inconvenience	\$ 250,000.00
b. <input checked="" type="checkbox"/> Emotional distress	\$ 50,000.00
c. <input type="checkbox"/> Loss of consortium	\$
d. <input type="checkbox"/> Loss of society and companionship (wrongful death actions only)	\$
e. <input type="checkbox"/> Other (specify)	\$
f. <input type="checkbox"/> Other (specify)	\$
g. <input type="checkbox"/> Continued on Attachment 1.g.	

2. Special damages

a. <input checked="" type="checkbox"/> Medical expenses (to date)	\$ 10,000.00
b. <input checked="" type="checkbox"/> Future medical expenses (present value)	\$ 50,000.00
c. <input type="checkbox"/> Loss of earnings (to date)	\$
d. <input type="checkbox"/> Loss of future earning capacity (present value)	\$
e. <input type="checkbox"/> Property damage	\$
f. <input type="checkbox"/> Funeral expenses (wrongful death actions only)	\$
g. <input type="checkbox"/> Future contributions (present value) (wrongful death actions only)	\$
h. <input type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only)	\$
i. <input checked="" type="checkbox"/> Other (specify) LOSS OF HOUSEHOLD SERVICES	\$ 50,000.00
j. <input type="checkbox"/> Other (specify)	\$
k. <input type="checkbox"/> Continued on Attachment 2.k.	

3. ☒ **Punitive damages:** Plaintiff reserves the right to seek punitive damages in the amount of (specify) \$ 2,500,000.00
 when pursuing a judgment in the suit filed against you.

Date:

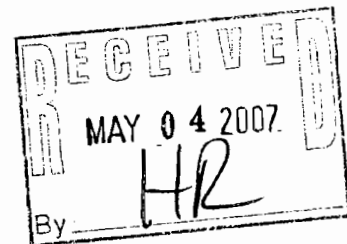
/s/ David R. Donadio

David R. Donadio

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(Proof of service on reverse)

**SUMMONS
(CITATION JUDICIAL)****NOTICE TO DEFENDANT:****(AVISO AL DEMANDADO):****ASBESTOS DEFENDANTS (B♦P)**As Reflected on Exhibits B, B-1, C, H, I; and DOES 1-8500;
and **SEE ATTACHED LIST.****RECEIVED**
GENERAL COUNSELFOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)**YOU ARE BEING SUED BY PLAINTIFF:****(LO ESTÁ DEMANDANDO EL DEMANDANTE):****MAY 4 - 2007****WILLIAM MATTHIS, JR.**

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

SAN FRANCISCO COUNTY SUPERIOR COURT
400 McAllister Street
San Francisco, CA 94102CASE NUMBER:
(Número de Caso)**CC-07-274138**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección de teléfono del abogado del demandante, o del demandante que no tiene abogado, es)

DAVID R. DONADIO, ESQ., STATE BAR NO. 154436

BRAYTON♦PURCELL LLP

222 Rush Landing Road, Novato, CA 94948-6169

(415) 898-1555

DATE: **APR - 2 2007** **Gordon Park-Li**Clerk, by
(Secretario)**P. NATT**Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO PERSON SERVED: You are served

[SEAL]

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☒ on behalf of (specify): **Southwest Marine, Inc.**
 under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association of partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☒ by personal delivery on (date): **5-4-07**

BRAYTON ♦ PURCELL LLP
ATTORNEYS AT LAW
222 RUSH LANDING ROAD
P.O. Box 6169
NOVATO, CALIFORNIA 94948-6169
(415) 898-1555

- 1
- 2
- 3 BUCYRUS INTERNATIONAL, INC.
- 4 BECHTEL CORPORATION (DE)
- 5 SEQUOIA VENTURES, INC.
- 6 CROWN CORK & SEAL COMPANY, INC.
- 7 THOMAS DEE ENGINEERING CO., INC.
- 8 GARLOCK SEALING TECHNOLOGIES, LLC
- 9 GENERAL ELECTRIC COMPANY
- 10 OWENS-ILLINOIS, INC.
- 11 PARKER-HANNIFIN CORPORATION
- 12 PLANT INSULATION COMPANY
- 13 QUINTEC INDUSTRIES, INC.
- 14 RAPID-AMERICAN CORPORATION
- 15 TIORPE INSULATION COMPANY
- 16 UNIROYAL HOLDING, INC.
- 17 VIACOM, INC.
- 18 WESTERN MacARTHUR COMPANY
- 19 MacARTHUR COMPANY
- 20 WESTERN ASBESTOS COMPANY
- 21 HONEYWELL INTERNATIONAL, INC.
- 22 DAIMLERCHRYSLER CORPORATION
- 23 FORD MOTOR COMPANY
- 24 GENERAL MOTORS CORPORATION
- 25 INTERNATIONAL TRUCK & ENGINE CORPORATION
- 26 MAZDA NORTH AMERICAN OPERATION
- 27 CSK AUTO, INC.
- 28 GOODLOE E. MOORE INC
- HOOKE INDUSTRIES, INC.
- NATIONAL STEEL AND SHIPBUILDING COMPANY ✓
- HOPEMAN BROTHERS, INC. ✓
- J.T. THORPE & SON, INC.
- SOUTHWEST MARINE, INC. ✓
- CHEVRON PRODUCTS COMPANY
- CHEVRON U.S.A., INC.
- PACIFIC GAS & ELECTRIC COMPANY
- SOUTHERN CALIFORNIA EDISON COMPANY
- METROPOLITAN LIFE INSURANCE COMPANY
- GATKE CORPORATION
- AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS, INC.
- UNDERWRITERS LABORATORIES, INC.
- PNEUMO ABEX LLC
- and DOES 1-8500,

Defendants.

William Matthis, Jr. vs. Asbestos Defendants (B ♦ P)
San Francisco Superior Court

All five (5) items below must be completed (see instructions on page 2).

Cal Rules of Court, rules 201.8, 1808-1812;
Standards of Judicial Administration, § 19
www.courtinfo.ca.gov

EXHIBIT B

SSC - 4-17-08

M1930
Berry & Berry

MAY 16 2007

Received

G/O 5/18/07
O/O 5/24

1 ALAN R. BRAYTON, ESQ., S.B. #73685
 2 ERIC C. SOLOMON, ESQ., S.B. #119131
 3 BRAYTON ♦ PURCELL LLP
 4 Attorneys at Law
 5 222 Rush Landing Road
 6 P.O. Box 6169
 7 Novato, California 94948-6169
 8 (415) 898-1555

9 Attorneys for Plaintiff

10
 11 SUPERIOR COURT OF CALIFORNIA
 12 COUNTY OF SAN FRANCISCO

13 WILLIAM MATTHIS, JR.,
 14 Plaintiff,

15 vs.

16 ASBESTOS DEFENDANTS (B ♦ P)

17 ASBESTOS
 18 No. 274138

19 ANSWERS TO INTERROGATORIES

20 PROPOUNDING PARTY: STANDARD ASBESTOS CASE INTERROGATORIES

21 RESPONDING PARTY: Plaintiff WILLIAM MATTHIS, JR.

22 SET NO: ONE

23 ANSWERS

- 24 1. a. WILLIAM PAUL MATTHIS, JR.
 25 b. October 30, 1955.
 26 c. 51 years.
 27 d. San Diego, California.
 28 e. 1275 West Oakland Avenue, #D, Hemet, California 92543.
 f. Height: 6' 3", weight: 205 pounds.
 g. 565-92-3558.
 h. Not applicable.

- 1 i. Not applicable.
- 2 j. 565-92-3588.
- 3 k. California, N3186323.
- 4 l. William Paul Matthis, Jr.
- 5 m. 12th grade.
- 6 n. None.
- 7 o.-r. Not applicable.
- 8 s. Denise Thorton, Ethel Pollard, Alicia Davis, Angela Jackson, and Sheryl
- 9 Wilson.
- 10 t. 1974, 1981, 1986, 2001, and 2004, respectively.
- 11 u. Plaintiff was divorced in San Diego, California (Denise Thorton, Ethel
- 12 Pollard, Alicia Davis); Kansas City, Missouri (Angela Jackson, and Sheryl Wilson).
- 13 2. a. Kenya Matthis.
- 14 b. July 31, 1975.
- 15 c. Natural.
- 16 d. Unknown.
- 17 e. Unknown.
- 18 f. Living.
- 19
- 20 a. Paul Decory Matthis.
- 21 b. May 13, 1985.
- 22 c. Natural.
- 23 d. Unknown.
- 24 e. Unknown.
- 25 f. Living.
- 26
- 27 a. Ashley Matthis.
- 28 b. August 26, 1989.

- 1 c. Natural.
- 2 d. Unknown.
- 3 e. Student.
- 4 f. Living.

- 5
- 6 a. Cassius DePaul Matthis.
- 7 b. May 3, 1990.
- 8 c. Natural.
- 9 d. Unknown.
- 10 e. Student.
- 11 f. Living.

- 12 3. No.
- 13 4. No.

- 14 5. Plaintiff is currently able to recall the following addresses:
- 15 2006 to present: 33347 Brighton Wood Street, Menifee, California 92584.
- 16 2006: 33347 Brighton Wood Street, Menifee, California 92584.
- 17 2004 to 2006 (2 years): Palm Springs, California.
- 18 2001 to 2004: San Diego, California.
- 19 1999 to 2001: Kansas City, Missouri.
- 20 1999 (9 months): Rockford, Illinois.
- 21 3/1977 to 1999: San Diego, California.
- 22 3/1974 to 3/1977: United States Army.
- 23 10/30/1955 to 3/1974: San Diego, California.
- 24 Plaintiff's investigation and discovery are continuing.

- 25 6. Plaintiff graduated from San Diego High School in 1974. Plaintiff attended
- 26 welding school for National Steel and Rio Honda.

- 27 7. April 27, 2007.
- 28 8. No.

1 9. Plaintiff was a member of the United States Army from 1974 to 1977. Please see
2 response to Interrogatory No. 26, below.

3 10. Excluding plaintiff's expert consultants, plaintiff recalls the following physicians:

- 4 a. Dr. Suzanne Chang.
- 5 b. Veterans Administration Hospital, San City, California
- 6 c. General health maintenance.
- 7 d. 2006 to present.
- 8 e. General health maintenance.
- 9 f. Plaintiff's investigation and discovery are continuing.
- 10
- 11 a. Dr. Sam Williams.
- 12 b. 286 North Euclid Avenue, #304, San Diego, California 92114.
- 13 c. Treatment, including medication for depression.
- 14 d. June 2006.
- 15 e. Depression.
- 16 f. Plaintiff's investigation and discovery are continuing.
- 17

18 a. Unknown physicians.

19 b. Veterans Administration Hospital, Loma Linda, California.

20 c. Treatment, including medication for depression, prostate problems, hip
21 pain, back pain, stomach problems, and anxiety.

- 22 d. 2004 to 2006.
- 23 e. General health maintenance.
- 24 f. Plaintiff's investigation and discovery are continuing.

25 11. Excluding those used by plaintiff's expert consultants, plaintiff currently recalls
26 the following hospitals:

- 27 a. Veterans Administration Hospital.
- 28 b. Benton Street, Loma Linda, California.

1 c. Treatment, including medication for depression, swollen prostate, hip
2 pain, back pain, stomach problems, and anxiety.

3 d. 2004 to 2006.

4 e. General health maintenance.

5 f. Plaintiff's investigation and discovery are continuing.

6 12. Excluding any taken by plaintiff's expert consultants, plaintiff recalls the
7 following x-rays.

8 a. Veterans Administration Hospital, Benton Street, Loma Linda, California.

9 b. Unknown dates, including October 2006.

10 c. Chest, head, hip and back.

11 d. Unknown.

12 e. Plaintiff's investigation and discovery are continuing.

13 13. Excluding any taken by plaintiff's expert consultants, plaintiff recalls the
14 following pulmonary function tests:

15 a. Plaintiff does not recall.

16 b. February 2006, and September 2006.

17 c. Plaintiff does not recall.

18 d. Required by employer, PCI in San Diego, California.

19 e. Unknown.

20 f. Yes.

21 g. Unknown physician.

22 h. Plaintiff's investigation and discovery are continuing.

23 14. Please see response to Interrogatory No.'s 10 and 11, above. Plaintiff defers to his
24 medical records as the best source of information for medications prescribed.

25 15. Not at this time. Plaintiff's medical records are equally available to defendants
26 through Berry & Berry, designated defense counsel.

27 16. Plaintiff has the following complaints from asbestos exposure: shortness of
28 breath, tiredness, coughing with phlegm, and chest pain.

- 1 a. 2003 or 2004.
- 2 b. No cessation.
- 3 c. Plaintiff is currently unaware of any physical change.
- 4 d. Plaintiff contends that his lungs have primarily been affected. However,
- 5 as the lung function affects the rest of the body, plaintiff also contends that all parts of his body
- 6 have been affected.
- 7 e.-f. Plaintiff does not recall.
- 8 g. Plaintiff does not at this time contend that he has lost time from work as a
- 9 result of his asbestos related conditions. Plaintiff's investigation and discovery are continuing.
- 10 h. Not applicable.
- 11 i. Plaintiff's investigation and discovery are continuing.
- 12 17. Yes.
- 13 a. Asbestosis.
- 14 b. Approximately August 2006.
- 15 c.-l. Information protected by either the attorney work-product doctrine or the
- 16 attorney-client privilege. Plaintiff's investigation and discovery are continuing.
- 17 18. No.
- 18 19. Plaintiff has suffered respiratory complaints and symptoms during the last 10
- 19 years, including but not limited to: shortness of breath, tiredness, coughing with phlegm, and
- 20 chest pain.
- 21 20. No.
- 22 21. Not applicable.
- 23 22. No.
- 24 23. Yes.
- 25 a. Plaintiff recalls smoking from 1990 or 1992 to the present.
- 26 b. Plaintiff recalls smoking cigarettes. Plaintiff inhaled.
- 27 c. Plaintiff usually smokes 10 cigarettes per day.
- 28 d. Plaintiff usually smokes ½ pack of cigarettes per day.

1 e. Plaintiff recalls smoking Parliament light, and Marlboro brand cigarettes.

2 f. Yes.

3 1. Physicians at Veterans Administration Medical Center.

4 2. Unknown.

5 24. Yes.

6 a. Plaintiff's girlfriend.

7 b. Dates unknown, approximately 2 years.

8 c. Marlboro menthol brand cigarettes.

9 d. Occasionally.

10 25. Plaintiff recalls first consuming alcoholic beverages in 1974 or 1975. Plaintiff
11 currently drinks 0 to 1/2 pint of beer, vodka or Hennessy per week. Plaintiff's alcohol
12 consumption has not changed over his lifetime.

13 26. Plaintiff is currently able to identify the following employment information:

14 <u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
15 Neighborhood Youth Corp. 16 San Diego, CA	Naval Base 32 nd Street San Diego, CA	Mechanic (Helper)	6/1973-9/1973

17 Job Duties: Plaintiff assisted civilian mechanics in replacing brakes, clutches, gaskets, and
18 mufflers. Plaintiff used the following FORD products: brakes, clutches, and gaskets. Plaintiff
19 and the mechanics sanded and used air compressors on the brakes. Plaintiff worked on the
20 following vehicles that contained original parts: CHEVROLET, FORD, AMERICAN MOTORS,
INTERNATIONAL diesel trucks, and INTERNATIONAL buses. Plaintiff currently contends
that he was exposed to asbestos during this employment.

22 <u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
23 US Army	Ford Ord Monterey, CA	Private	3/3/1974-4/1974 (6 weeks)
24	US Army Fort Sill Lawton, OK	Private (E2)	4/1974-mid-May 1974 (6 weeks)
25	US Army Fort Hood Army Base Killeen, TX	Artilleryman	mid-May 1974- 3/3/1977

28 Job Duties: At Fort Ord, plaintiff completed basic training in six weeks. Plaintiff then had an

additional six weeks of training at Fort Sill. Plaintiff trained with howitzer cannons for field artillery. At both Fort Seal and Fort Hood, plaintiff used asbestos gloves to handle the shells for the cannons. Plaintiff changed barrels on M-60 machine guns. Plaintiff maintained and used howitzer 175, 122, 155, and 8-inch weapons. Plaintiff repaired the tracks' chains and links on the cannons. In addition at Fort Hood, plaintiff maintained trucks and jeeps by changing oil and assisting on brake replacements. Plaintiff currently contends that he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
National Steel & Shipbuilding	National Steel & Shipbuilding, San Diego, CA 2 unknown LSD naval ships	Welder	10/1977-3/1979

Job Duties: Plaintiff worked in the shop. Plaintiff welded and burned. Plaintiff used MIG welding machines. Plaintiff used asbestos gloves to carry hot lead and when torching. Plaintiff chipped and ground pieces of ships and metals. Plaintiff replaced grinding wheels. Plaintiff also worked on board two navy nuclear ships. Plaintiff welded and burned lead on hulls, bilges, bulkheads, and other parts inside. Plaintiff recalls the following co-workers: Leo Hawkins, San Diego, California; chipper co-worker and uncle James Buchanan, Palm Springs, California; and insulator co-worker and brother-in-law Luther Shaw, San Diego, California. Plaintiff worked with the following trades: insulators insulating, laborers cleaning and sweeping, shipfitters, pipefitters, machinists, painters, and sandblasters sanding the ships. Plaintiff currently contends that he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Thorpe Insulation	Naval Repair Facility 32 nd Street Annex San Diego, CA 1 unknown naval ship	Insulator	3/1979- 7/1979 (1 month)
	Thorpe Insulation Shop Carson, CA		(3 months)

Job Duties: Plaintiff worked on one naval ship. Plaintiff removed asbestos insulation from pipes and boilers with a power saw. Plaintiff worked in the engine room and other areas. Plaintiff swept the floor and picked up pieces of asbestos insulation. Plaintiff wore protective gear, including paper masks. Plaintiff recalls general foreman Greg Stutman, address currently unknown; and co-worker Jimmy Palmer, San Diego, California.

At the shop, plaintiff created new insulation pads. Plaintiff used old asbestos insulation pads that came directly off of the ships. Plaintiff opened the insulation pads and removed the asbestos filling. Plaintiff would then use the insulation pads as patterns to replicate the shape and size. Plaintiff cut fiberglass for the new insulation pads and sewed up the pads with a sewing machine and pneumatic button machine. Plaintiff recalls the asbestos insulation pads were from all parts of ships, including boilers, pumps, valves, pipes, and furnaces. Plaintiff recalls the following co-workers: Denver Talaver, address currently unknown; and "Red" Vandering, address currently unknown. Plaintiff currently contends that he was exposed to asbestos during

1 this employment.

2	3 <u>Employer</u>	Location of 4 <u>Exposure</u>	5 <u>Job Title</u>	6 <u>Exposure Dates</u>
7	Thorpe Insulation	San Onofre Nuclear Power Plant (SCE), CA	Insulator	8/1979 (3 weeks)

8 Job Duties: Plaintiff recalls this was new construction on Units 2 and 3. Plaintiff applied
9 insulation cement to pipes, boilers, and turbines. Plaintiff worked with the following trades:
10 ironworkers, pipefitters welding, sheetmetal workers, electricians stripping and cutting electrical
11 wires, boilermakers building boilers, welders welding with fire blankets, and crane operators.
12 Plaintiff recalls foreman Ron Hout, address currently unknown; and general foreman Bob Evans,
13 deceased. Plaintiff recalls the following co-workers: Dennis Tucker, address currently unknown;
14 Lawrence "Buddy" Rogers, c/o Brayton-Purcell LLP; Gary Mays, Arkansas; John Mack, Los
15 Angeles area, California; Harvey Hood, Texas; Jeff Darby, San Diego, California; Greg Bue, San
16 Diego, California (works for Tri-County Insulation Co.). Plaintiff currently contends that he was
17 exposed to asbestos during this employment.

18	19 <u>Employer</u>	Location of 20 <u>Exposure</u>	21 <u>Job Title</u>	22 <u>Exposure Dates</u>
23	Owens-Corning Fiberglas	National Steel & Shipbuilding, San Diego, CA 6-7 ships	Insulator	1979-1980; 1983; 1985 (on/off: about 4 years total)
24		ST. WORTH (MA-299)		
25		EXXON VALDEZ (1986)		

26 Job Duties: Plaintiff performed repair work in the engine rooms. Plaintiff removed existing
27 asbestos insulation. Plaintiff applied ARMSTRONG 520 adhesives to insulate the pipes.
28 Plaintiff also used ONE-SHOT insulating cement for fittings and elbows and TUFF BOND
adhesive for ducts. Plaintiff used CALSIL lagging and pipecovering for steam and hot
waterlines. Plaintiff worked alongside the following trades: NATIONAL STEEL &
SHIPBUILDING chippers, welders welding, electricians cutting and stripping wires, shipfitters,
painters, sandblasters, pipefitters, and carpenters installing deck tiles and cabinets. Plaintiff
recalls the following co-workers: Tony Berryon, San Diego area, California; Greg Brown, San
Diego, California; Jeff Darby, San Diego, California; Gary Bland, San Diego, California; Mitch
Spence, San Diego, California; John Mack, Ergie Bowman, Los Angeles area, California; and
George Echos, address currently unknown. Plaintiff recalls foreman Gary Hatch, San Diego,
California; and foreman Jack Gordon, deceased, both working in the earlier years for this
employer. Plaintiff recalls supervisor and brother-in-law Luther Shaw, San Diego, California, in
the latter years. Plaintiff currently contends that he was exposed to asbestos during this
employment.

29	30 <u>Employer</u>	Location of 31 <u>Exposure</u>	32 <u>Job Title</u>	33 <u>Exposure Dates</u>
34	Owens-Corning Fiberglas	Naval Repair Facility North Island San Diego, CA 3-4 aircraft carriers	Insulator	1979-1985

RANGER (CVA-61)

KITTY HAWK (CVA-63)

CONSTELLATION
(CVA-64)

Job Duties: Plaintiff performed insulation repair work in the engine rooms. Plaintiff used ARMSTRONG 520 adhesive on rubber pipecovering. Plaintiff insulated with ONE-SHOT for fittings and elbows. Plaintiff used TUFF BOND adhesive for ducts. Plaintiff used CALSIL insulating cement and pipecovering for steam and hot waterlines. Plaintiff worked alongside the following trades: boilermakers repairing boilers, pipefitters repairing pipes, welders welding, shipfitters, and sandblasters. Plaintiff recalls the following co-workers: brother-in-law Luther Shaw, San Diego, California; Gary Bland, San Diego, California; Bill Dale, San Diego, California; and Mark Dale, San Diego, California. Plaintiff currently contends that he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Owens-Corning Fiberglas	Naval Repair Facility 32 nd Street Annex San Diego, CA 4 unknown navy ships	Insulator	1979-1985

Job Duties: Plaintiff performed repairs on navy ships. Plaintiff insulated pipes and boilers in the engine rooms. Plaintiff removed asbestos insulation from the pipes and boilers. Plaintiff also performed minor repairs to the boilers. Plaintiff working alongside other insulators insulating pipes and boilermakers repairing boilers. Plaintiff recalls the following co-workers: brother-in-law Luther Shaw, San Diego, California; general foreman Mitch Spence, San Diego, California; Gary Hatch, San Diego, California; Greg Brown, San Diego, California; Bill Dale, San Diego, California; Mark Dale, San Diego, California; Eddie Gordon, north San Diego County; and Sammy Gordon, north San Diego County. Plaintiff currently contends that he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Owens-Corning Fiberglas	Southwest Marine San Diego, CA 1 unknown navy ship	Insulator	1979-1985

Job Duties: Plaintiff insulated pipes and boiler in the engine room. Plaintiff recalls Ben Rodriguez, address currently unknown. Plaintiff worked alongside the following trades: boilermakers repairing boilers, shipfitters working with sheetmetal, electricians cutting and routing electrical wires, welders welding, insulators, and pipefitters replacing sections of pipes. Plaintiff recalls some of the trades were SOUTHWEST MARINE employees. Plaintiff currently contends that he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Desco Insulation	San Onofre Nuclear Power Plant (SCE), CA	Insulator	approximately 1981-1983 (3-4 months)

1 Thorpe Insulation

(approximately 6 months)

2 Owens-Corning Fiberglas

(4 months)

3 Job Duties: Plaintiff recalls this was new construction on Units 2 and 3. Plaintiff worked
4 alongside the following trades: ironworkers, pipefitters, sheetmetal workers, electricians,
5 boilermakers working on boilers and their tubes, welders welding and using asbestos blankets,
6 crane operators, and machinists. Plaintiff recalls the following co-workers: Larry Gibson,
7 deceased; John Mack, Los Angeles area, California; Lionel Reed, Los Angeles, California;
8 Dennis Tucker, address currently unknown; Clint Hout, Riverside County, California; Ron Hout,
9 address currently unknown; and Bobby Hout, address currently unknown. Plaintiff currently
10 contends that he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
11 AC & S Insulation or Metalclad	12 Unknown Power Plant Newport Beach, CA	Insulator	1981 or 1982

13 Job Duties: Plaintiff replaced insulation on a boiler. Plaintiff used TUFF BOND adhesive on
14 some pins. Plaintiff recalls co-worker George Echols, address currently unknown. Plaintiff
15 currently contends that he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
16 AC & S Insulation	17 Los Angeles Department of Water and Power, Los Angeles, CA	Insulator	1982

18 Job Duties: Plaintiff performed asbestos abatement. Plaintiff is currently unaware if he was
19 exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
20 P.W. Stevens	21 US Post Office Los Angeles	Insulator	1983

22 Job Duties: Plaintiff performed asbestos abatement. Plaintiff used paper masks while removing
23 wet asbestos insulation. Plaintiff recalls supervisor P.W. Stevens, address currently unknown.
24 Plaintiff currently contends that he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
25 Owens-Corning Fiberglas	26 Budweiser Brewery San Fernando Valley, CA	Insulator	1983 (3 weeks)

27 Job Duties: Plaintiff assisted insulators. Plaintiff is currently unaware if he was exposed to
28 asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>

1 AC & S or Metalclad Los Angeles Department of Insulator 1984
 2 Water and Power,
 3 Los Angeles, CA

4 Job Duties: Plaintiff performed asbestos abatement. Plaintiff used paper masks while removing
 5 wet asbestos insulation. Plaintiff currently contends that he was exposed to asbestos during this
 6 employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
7 Metalclad	8 San Onofre Nuclear Power Plant (SCE), CA	Insulator	mid-1980's

9 Job Duties: Plaintiff performed repair work on Units 2 and 3. Plaintiff insulated conduits, pipes,
 10 turbines, heat exchangers, and heat tray slides. Plaintiff removed old insulation. Plaintiff recalls
 11 general contractor BECHTEL employees performed a portion of the repair work, including
 12 insulation. Plaintiff worked near the following trades: welders welding, pipefitters, carpenters,
 13 boilermakers, electricians, and painters. Plaintiff recalls the following co-workers: Linda
 14 Thompson, Lakewood area, California; Jimmy Yap, around San Onofre area, California; Jimmy
 15 Lee, Las Vegas, Nevada; Bob Klepper (now Business Agent for Local Union 5 of Azusa,
 16 California), address currently unknown; and Rocky Summers, near San Clemente, California.
 17 Plaintiff currently contends that he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
14 Bechtel	15 San Onofre Nuclear Power Plant (SCE), CA	Insulator	mid-1980's

17 Job Duties: Plaintiff repaired insulation on conduits, pipes, turbines, heat exchangers, and heat
 18 try slides on Units 1, 2, and 3. Plaintiff worked alongside the following trades: welders,
 19 pipefitters, carpenters, boilermakers repairing pipes, electricians, and painters. Plaintiff recalls
 20 the following co-workers: Jimmy Yap, around San Onofre area, California; Rocky Summers,
 21 near San Clemente, California; Bob Klepper (now Business Agent for Local Union 5 of Azusa,
 22 California), address currently unknown; and Linda Thompson, Lakewood area, California.
 23 Plaintiff currently contends that he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
21 Thorpe Insulation	22 PG & E 23 Diablo Canyon Powerhouse 24 CA	Insulator	mid-1980's

25 Job Duties: Plaintiff repaired insulation on pipes and conduits. Plaintiff recalls supervisor Bob
 26 Evans, deceased. Plaintiff recalls the following co-workers: Ron Hout, address currently
 27 unknown; Art Hout, deceased; Ergie Bowman, Los Angeles area, California; Harvey Hood,
 28 Texas; and Sunny Woods, deceased. Plaintiff currently contends that he was exposed to asbestos
 during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
28			

1 Bechtel Bechtel Insulator 1/1985-2/1985
2 Unknown location

3 Job Duties: Plaintiff is currently unable to recall the specifics of this employment. Plaintiff is
4 currently unaware if he was exposed to asbestos during this employment.

5 <u>Employer</u>	6 <u>Location of Exposure</u>	7 <u>Job Title</u>	8 <u>Exposure Dates</u>
9 A C & S	10 A C & S 11 Unknown location	12 Insulator	13 3/1985-4/1985

14 Job Duties: Plaintiff is currently unable to recall the specifics of this employment. Plaintiff is
15 currently unaware if he was exposed to asbestos during this employment.

16 <u>Employer</u>	17 <u>Location of Exposure</u>	18 <u>Job Title</u>	19 <u>Exposure Dates</u>
20 Thorpe Insulation	21 Chevron Refinery 22 Wilmington, CA 23 24 Chevron Refinery 25 Shop 26 Wilmington, CA	27 Insulator	28 4/1985-6/1985

14 Job Duties: Plaintiff replaced insulation on the coker and pipes. At the shop, plaintiff created
15 new insulation pads. Plaintiff opened the insulation pads and removed the asbestos filling.
16 Plaintiff would then use the insulation pads as patterns to replicate the shape and size. Plaintiff
17 cut fiberglass for the new insulation pads and sewed up the pads. Plaintiff recalls the following
18 co-workers: Fernando Gutierrez, Chino, California; Sam Slot, deceased; brother-in-law Luther
19 Shaw, San Diego, California; and Adrian (last name unknown), Las Vegas, Nevada. Plaintiff
20 worked near the following trades: laborers cleaning and sweeping, pipefitters replacing and repair
21 pipes, and welders welding on pipes. Plaintiff currently contends that he was exposed to asbestos
22 during this employment.

23 <u>Employer</u>	24 <u>Location of Exposure</u>	25 <u>Job Title</u>	26 <u>Exposure Dates</u>
27 Performance Contracting Inc.	28 Performance Contracting 29 Inc., 30 Unknown location	31 Insulator	32 6/1985-7/1985; 33 9/1985-12/1985

34 Job Duties: Plaintiff is currently unable to recall the specifics of this employment. Plaintiff is
35 currently unaware if he was exposed to asbestos during this employment.

36 <u>Employer</u>	37 <u>Location of Exposure</u>	38 <u>Job Title</u>	39 <u>Exposure Dates</u>
40 Performance Contracting Inc.	41 National Steel & 42 Shipbuilding, 43 San Diego, CA	44 Insulator	45 1/1986-3/1986; 46 5/1986-12/1986

47 Job Duties: Plaintiff recalls this was new construction and repair work. Plaintiff repaired
48 insulated pipes and boilers in the engine room and throughout the ships. Plaintiff recalls the
49 following trades working near him: electricians, laborers, painters, welders, sandblasters,
50 pipefitters, boilermakers, shipfitters, and carpenters. Plaintiff currently contends that he was

1 exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
AC & S	Los Angeles Department of Water and Power, Los Angeles, CA	Insulator	1/1987-2/1987; 7/1987; 9/1987

5 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
6 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Performance Contracting Inc.	Performance Contracting Inc., Unknown location	Insulator	2/1987-4/1987

10 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
11 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
A C & S	A C & S Unknown location	Insulator	4/1988

15 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
16 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Tri-County	Tri-County Unknown location	Insulator	8/1988-10/1988

19 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
20 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
JFI	JFI Unknown location	Insulator	9/1989

24 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
25 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
A C & S	A C & S Unknown location	Insulator	11/1989

28 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware

1 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Dittmore	Dittmore Unknown location	Insulator	12/1989

5 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
6 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Bechtel	PG & E Diablo Canyon Powerhouse CA	Insulator	early 1990's

10 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
11 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Mission	Mission Unknown location	Insulator	3/1990-5/1990

15 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
16 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Performance Contracting Inc.	Performance Contracting Inc., Unknown location	Insulator	5/1990-10/1990

20 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
21 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Thorpe Insulation	Chevron Refinery Wilmington, CA	Insulator	2/1991-3/1991

24 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
25 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Department of Water & Power	Los Angeles Department of Water & Power, Los Angeles, CA	Insulator	5/1991

Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Cherne	Unknown Refinery Long Beach, CA	Insulator	2/1992

Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Pac Therm	Pac Therm Unknown location	Insulator	7/1992

Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Performance Contracting Inc.	Performance Contracting Inc., Unknown location	Insulator	3/1993-7/1993; 9/1995-10/1995

Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Metalclad	Metalclad Unknown location	Insulator	11/1996-2/1997

Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Trico	Trico Unknown location	Insulator	3/1997-4/1997

Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Bechtel	Bechtel Unknown location	Insulator	5/1997

Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware if he was exposed to asbestos during this employment.

1 if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Trico	Trico Unknown location	Insulator	12/2001-4/2002

5 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Metalclad	Metalclad Unknown location	Insulator	5/2002-6/2002

10 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Trico	Trico Unknown location	Insulator	7/2002-9/2002

14 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Cherne	Cherne Unknown location	Insulator	12/2002-2/2003

19 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Avalotis	Burbank Department of Water and Power, Burbank, CA	Insulator	1/2005-5/2005

24 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware if he was exposed to asbestos during this employment.

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
F. Rodgers Insulation	Redlands Powerhouse Redlands, CA	Insulator	5/2005-10/2005
Far West			12/2005

1 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
2 if he was exposed to asbestos during this employment.

3 <u>Employer</u>	4 <u>Location of Exposure</u>	5 <u>Job Title</u>	6 <u>Exposure Dates</u>
7 Performance Contracting Inc.	8 Mobil-Torrance 9 Wilmington, CA	10 Insulator	11 3/2006-6/2006

12 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
13 if he was exposed to asbestos during this employment.

14 <u>Employer</u>	15 <u>Location of Exposure</u>	16 <u>Job Title</u>	17 <u>Exposure Dates</u>
18 Performance Contracting Inc.	19 National Steel & 20 Shipbuilding, 21 San Diego, CA	22 Insulator	23 9/2006-12/2006

24 Job Duties: Plaintiff's investigation and discovery are continuing. Plaintiff is currently unaware
25 if he was exposed to asbestos during this employment.

26 Throughout plaintiff's career, he used JOHNS-MANVILLE lagging, blocks, and pipecovering;
27 KEENE asbestos cement; 3M masks; TUFF BOND adhesive at refineries and shipyards; and
28 CHICAGO FIRE BRICK refractory bricks. Plaintiff worked with the following co-workers in
some time frame: Lawrence "Buddy" Rogers, c/o Brayton♦Purcell LLP at San Onofre Nuclear
Power Plant, California; and Scott Abbott, c/o Brayton♦Purcell LLP at Los Angeles Department
of Water and Power, Los Angeles, California.

For the purpose of this case, plaintiff currently does not contend exposure to asbestos after 1986.

NON-OCCUPATIONAL EXPOSURE:

FRICTION EXPOSURE:

1967 FORD GTO: Plaintiff purchased a used car in 1979 or 1980. During that same year,
plaintiff replaced the original carburetor, original manifold, original header gaskets, and brakes.
Plaintiff purchased a HOOKER HEADERS gasket kit. Plaintiff was assisted by cousin Henry
Conwright, San Diego, California.

1981 MAZDA 626 Coupe: Plaintiff purchased this car new in 1981. Plaintiff replaced the
original brakes and was assisted by cousin Henry Conwright, San Diego, California.

Plaintiff and his cousin, Henry Conwright, San Diego, California, purchased A.C. DELCO
brakes for majority of the cars they worked on from KRAGEN, Euclid Avenue, San Diego,
California; and AUTOZONE, Federal Boulevard, San Diego, California. Plaintiff currently
contends that he was exposed to asbestos during this vehicle repairs.

Plaintiff's investigation and discovery are continuing.

27. Yes.

a. Heat & Frost Asbestos Union Local 5, 670 East Foothill Boulevard, #2,
Azusa, California 91702.

- 1 b. 1979.
- 2
- 3 a. Ironworkers Union (NASSCO), 28th & Harbor, San Diego, California.
- 4 b. 1977 to 1979.
- 5 28. 1981.
- 6 29. Plaintiff recalls first becoming aware that exposure to asbestos was a potential
- 7 health hazard at school.
- 8 30. Approximately 1979. Plaintiff's investigation and discovery are continuing.
- 9 31. Approximately 1979, when working for Thorpe, at the direction of his fireman,
- 10 Greg Studmond. Plaintiff's investigation and discovery are continuing.
- 11 32. Yes.
- 12 a. PCI.
- 13 b. Pulmonary test, blood pressure test, weight.
- 14 c. One, in 2006.
- 15 d. Required.
- 16 e. Yes.
- 17 f. 2006.
- 18 g. Yes, in 2006.
- 19 h. Plaintiff does not recall.
- 20 i. Not applicable.
- 21 j. Plaintiff's investigation and discovery are continuing.
- 22 33. Plaintiff stopped working December 4, 2006 due to stress, and hip and back pain.
- 23 34. No.
- 24 35. See Interrogatory No. 33, above.
- 25 36. Yes, please refer to the Non-Occupational Exposure section of Interrogatory No.
- 26 26, above.
- 27 37. Plaintiff's investigation and discovery are continuing.
- 28 38. The total hospital expense is unknown at this time and plaintiff has provided

1 authorizations for release of this information. Plaintiff's investigation and discovery are
2 continuing.

3 39. The total medical expense is unknown at this time and plaintiff has provided
4 authorizations for release of this information. Plaintiff's investigation and discovery are
5 continuing.

6 40. No.

7 41. No.

8 42. Plaintiff currently is not claiming any wage or earning loss.

9 43. No.

10 44. No.

11 45. No.

12 46. No.

13 47. No.

14 48. No.

15 49. No.

16 50. No, plaintiff's investigation and discovery are continuing.

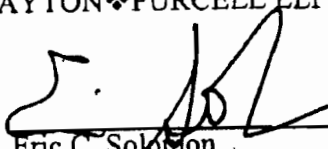
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18 Dated: 5/3/07

BRAYTON ♦ PURCELL LLP

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20

By: 
Eric C. Solomon
Attorneys for Plaintiff

21

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VERIFICATION TO FOLLOW

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PROOF OF SERVICE

I, Joyce Diala, do hereby declare and state:

I am employed in the city of Petaluma, County of Sonoma, California. I am over the age of 18 and not a party to the within action. My business address is 1009 Clegg Court, Petaluma, CA 94954.

On MAY 14 2007, I served the within:

Answers to Interrogatories

Re: William Matthias Sr

on the parties in this action by placing a true copy thereof in a sealed envelope, and envelope addressed as follows:

By mail Service:

SEE ATTACHED LIST

(Defendants that are crossed out are not being served)

I am readily familiar with the business practice at my place of business for collection and processing of correspondence for delivery by mail. Correspondence so collected and processed is deposited with the United States Postal Service on the same day in the ordinary course of business. On the above date the said envelope was collected for the United States Postal Service following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed MAY 14 2007, at Petaluma, California.

Joyce Diala
Joyce Diala

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